

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

- Claims 1-10 and 12-71 are presently active in this case, Claims 12-71 previously withdrawn from consideration, and Claims 1-8 amended by way of the present Amendment.

In the outstanding Official Action, Claims 1-2 and 5-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,669,748 to Knudsen, Jr.; Claims 1-7 and 9-10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,516,242 to Brown; Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudsen, Jr. in view of U.S. Patent No. 5,401,229 to Otsuka et al.; Claims 1-2 and 4-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudsen, Jr.; and Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudsen, Jr. in view of JP 11-348055A to Aria et al.

Turning now to the merits, in order to expedite issuance of a patent in this case, Applicants have amended independent Claim 1 to clarify the patentable features of the present invention over the cited references. Specifically, Applicants' Claim 1, as amended, recites a system for delivering and collecting an article delivery-and-collection package used for packing, storing or delivering articles, the article delivery-and-collection package being assembled from a plurality of package components stocked at a management center, and repeatedly used for packing, storing or delivering articles. This system includes the article delivery-and-collection package which is configured to be assembled as a first delivery-and-collection package for packing a first article to be delivered and configured to be reassembled as a second delivery-and-collection package for packing a second article to be collected after delivery of the first article, the second article having a different height from that of the first article. Also recited in a specification unit configured to specify a plurality of first package

components required to assemble the first delivery-and-collection package for delivering the first article to a delivery site, and second package components that are not required to assemble the first delivery-and-collection package yet required to assemble the second delivery-and-collection package for collecting the second article from the delivery site. Finally, an instruction unit is configured to provide instructions for a delivery procedure for the first article and a collection procedure for the second article, the instructions including directions for assembling the second delivery-and-collection package using at least one of the first package components, along with the second package components specified by the specification unit.

Thus, Applicants' Claims 1-8 have now been amended to change the previously recited "delivery-and-collection apparatus" to a "delivery-and-collection package" in order to clarify that the delivery-and-collection item is used for packaging of a product. Support for this limitation is provided in Applicants' specification as originally filed at least at page 18, lines 15-17 which states that "after the delivery, the delivery person packs the old product using the rack components...". Further, Claim 1 has been amended to recite the article delivery-and-collection package as part of the system itself. That is, Claim 1 now positively recites the article delivery-and-collection package which is configured to be assembled to package a first article and reassembled to package a second article having a different height than the first article. Support for this limitation is provided in Applicants' specification as originally filed at least at page 15, line 6 to page 18, line 21. Thus, the amendments to Claims 1-8 do not raise an issue of new matter.

The cited reference to Knudsen, Jr. discloses a process for storing and retrieving different types of products from a storage warehouse. As shown in Figure 1 of Knudsen, Jr., a control system 25 causes a crane 18 to receive products from a high rise storage structure having separate storage structures 12A and 12B. As shown in Figure 3 each storage structure

12A and 12B has individual compartments called racks 14. The crane 18 moves on a rail between the storage structures 12A and 12B and removes product pallets from the racks and deposits them in a shipping lane 24 where the products are picked up from pallets and placed into trucks for shipment. A control system 25 records and maintains current data pertaining to the inventory of pallets in each rack 14 or lane 24.

Brown discloses a manufacturing cell for consolidating the manufacturing of personal computers. As seen in Figure 8 of Brown, the manufacturing cell 112 includes an overhead conveyor 107 configured to carry a kit of parts for assembling a special order personal computer to the manufacturing cell 112. The kit of parts is placed within a tote 115, which is transferred from the overhead conveyor 107 to the lift elevator 114 which brings the kit of parts within its tote to the work surface 117. The kit of parts is then removed from the tote 115 and assembled into a special order personal computer or component of a personal computer.

Thus both Knudsen, Jr. and Brown disclose a system for carrying products and/or components within a manufacturing/shipping facility. The systems use similar mobile racks or conveyors for internal transfer of components. However, these mobile or portable racks do not provide a "package" for shipment of an article. That is, the mobile or portable racks do not meet the limitation of a delivery-and-collection package as recited in Applicants' Claim 1 and used throughout Applicants' specification.

More specifically, the systems of Knudsen, Jr. and Brown do not disclose an article delivery-and-collection package configured to be assembled as a first delivery and collection package for packing a first article to be delivered and configured to be reassembled as a second delivery and collection package for packing a second article to be collected after delivery of the first article, the second article having a different height from that of the first article. As noted above, the moveable or portable racks in Knudsen, Jr. and the conveyors

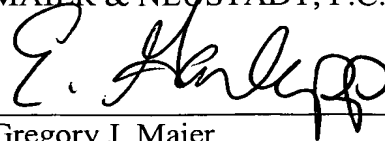
and/or totes in Brown are not reconfigurable units. Thus, both Knudsen, Jr. and Brown provide a fixed system for transporting components within a manufacturing or shipping facility, but do not provide for delivery-and-collection packages that can be configured for a first article and reconfigured for a second article having a different height than the first article. As noted in the background section of the present specification, it is this feature of the present invention that reduces the amount of shipping equipment necessary to delivery new product and retrieves an old product from a consumer site. The systems of Knudsen, Jr. and Brown do not relate to this problem in any way.

Thus, Applicants' Claim 1 patentably defines over Knudsen, Jr. and Brown. Moreover, the secondary references to Otsuka and Aria et al. are cited for features in the dependent claims and do not correct the deficiencies of Knudsen, Jr. and Brown. Therefore, Applicants' Claim 1 patentably defines over the cited references. Moreover, as Claims 2-10 depend from Claim 1 these claims also patentably define over the cited references.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No. 25,599  
Edwin D. Garlepp  
Registration No. 45,330

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)